

cisions of the Supreme Court, recognized by acts of Congress and the fugitive slave law on your statute book. It is admitted, even by the President, that there is no power to interfere with it in the States, except under the war power. The doctrine is recognized that only by constitutional amendment can you do away with it legally. Can the General Government now, after having taken the ground that it will wipe out slavery as it goes along, unconstitutionally, with no right so to do, ask these States with any force to come back, while it denies to them their constitutional rights? I put it as a plain, practical question. So long as this Government, in the prosecution of the war denies to those States their constitutional rights, can she ask an acceptance upon their part of the protection of the Constitution, while she expressly denies to them their right to constitutional provisions made for their special benefit. Were we to announce boldly and manfully, as the Crittenden resolutions do, that the war is not prosecuted for the purpose of subjugation, nor for the purpose of overthrowing the interests of a State, or say to these States, we will protect your rights and your institutions, there would besome show of reason in making the demand upon them to come back. The demand has never been put before them in that form or shape since this war began. Never, never has it been done. And now it has gone on so long and so much blood has been shed, that I am not able to say if it was made, what would be the result. There have been so much bitterness and so much bad feeling created in different ways, that, were it possible to collect all the slaves on one vast plain, and the earth should open and swallow up every negro in the land, as the followers of Korah, Dathan and Abiram were engulfed, I do not know, even with slavery thus destroyed, that the white men of the South would return to the Union. They seem to have put the contest now upon a principle *higher* than slavery, the right to maintain their independence.

In the case supposed, Mr. President, a revolution produced by the act of the States, on account of a denial of their representation in the Senate, the revolution would be justified. And this leads me to distinguishing between the different causes which may bring about revolution. It may be that the State acts because a clear constitutional right has been denied. It may be that the right is denied upon a subject-matter of doubtful constitutional power, in which the State firmly maintains one position and the General Government another. It may be that the State claims or exercises a power *plainly* prohibited by the Constitution, and the exercise of which being denied, she leaves the Union. I hold in either case the act of withdrawing without assembling a Convention of the States, which Convention assents thereto, is an act of *revo-*

lution. In one case the revolution would be clearly justifiable. In the other doubtful, and accordingly the intelligent opinion of the world will be divided. In the third case, the revolution will be certainly *wrong* and *unjustifiable*. Who is to decide? I admit there is no arbiter. (Vattel: book 3d, chapter 18, page 424.) The question between the State and the United States becomes a question like that between any two States growing out of infractions of treaty stipulations or compacts. It may be the subject of compromise and conciliation. It may be object of negotiation or arbitration. It may be a *casus belli*. It is a prerogative of the United States Government as a nation, with "special sovereignty," to decide whether they will treat secession as a mere insurrection, to be suppressed under the powers contained in the 15th clause of article 1, section 8, or by article 11, section 3d, or article 4, section 4, the reading of which I will omit from the pressure of time.

I further admit that the doctrine of the Federalist is sound, that there are certain cases where the government may use force. The government employed force in the rebellion in Pennsylvania, and against the Mormons when a military force was sent under the command of General Johnston.

I refer, to sustain the position, to the Federalist, No. 29, p. 124, where Hamilton says:

"That there may happen cases in which the National Government may be under the necessity of resorting to force cannot be denied. . . . Should such emergencies at any time happen under the National Government, there could be no remedy but force. The means to be employed must be proportioned to the extent of the mischief." And as a check to any use of this power to endanger public liberty, the States, he further says, will afford complete security. "Possessing all the organs of civil power and the confidence of the people, they can at once adopt a regular plan of opposition, in which they can combine all the resources of the community." Fed. No. 27, p. 127.

And Mr. Madison, No. 53, p. 201, of the Federalist, in discussing the clause guarantying to every State in the Union a republican form of government, protection from invasion, and on the application of the Legislature or of the Executive, (when the Legislature cannot be convened), protection against domestic violence, expressly admits the power of the Government to intervene as a superintending power, and repress the violence. Or the Government may, in case the insurrection pervades many States, regard it as forming a *casus belli*, in which the States must be treated as belligerents—the individuals engaged in it to be dealt with not as *rebels* or *traitors*, to be hung after trial and conviction, but to be exchanged as prisoners of war—as men acting under the authority of a *de facto* Government, and subject to the code which